

REMARKS

Reconsideration of the pending application is respectfully requested on the basis of the following particulars:

Objections to the specification

The examiner has objected to the title of the invention as being not descriptive. Accordingly, the title has been changed to “A Method of Raising Funds by Using Existing Communication Means.” It is respectfully submitted that the title is clearly descriptive so as to help one having ordinary skill in the art understand the nature of the subject matter. Accordingly, withdrawal of the objection is requested.

The examiner also notes that the abstract should not exceed 150 words. The abstract has been rewritten so as to not exceed 150 words. Accordingly, withdrawal of the objection is requested.

Claim objections

Claim 1 is objected to because of certain informalities. The examiner notes that in line 17, “the incoming call” should be “an incoming call.” Claim 1 has been amended to recite “a) providing an operational fixed or wireless telephone or similar telecommunication connection connecting an incoming call [...].” Accordingly, proper antecedent basis is found for “the incoming call” recited in line 17.

The examiner further asserts that “it appears that the metes and bounds of the claims are not well defined.” It is respectfully submitted that the present claims clearly set forth metes and bounds of the present invention.

The examiner’s assertions regarding the disclosure of claim 1 include statements that cannot be reconciled with what is actually recited in claim 1. For example, the examiner asserts that “there is no surcharge or extra charge associated with the incoming call and the caller does not contribute or donate any money to the receiver.” Claim 1 makes no reference to a surcharge or extra charge.

However, claim 1 makes clear that the price of the incoming call charged to the originator of the incoming call consists of a part representing the operational costs of said data processing entity and another part representing an action-specific amount to be forwarded by said data processing entity to said receiver of the incoming call.” It is clear that 1) the originator is charged for the incoming call in the amount of operational costs plus the action-specific amount; 2) the action-specific amount is forwarded to the receiver of the call. Accordingly, the cost of the action-specific amount forwarded to the receiver is borne by the originator.

While the examiner has stated that the metes and bounds of the claim are not well defined, the examiner has not provided any guidance regarding *how or why* the claim the metes and bounds of the claims are not well defined. Thus, the examiner is requested to withdraw the objection or to provide clarification

Rejection of claims 1 and 4 under 35 U.S.C. § 112, second paragraph

The examiner has rejected claims 1 and 4 as being indefinite. In claim 1, the examiner has cited an instance of insufficient antecedent basis for the term “said originator.” Claim 1 has been rewritten to provide proper antecedent basis for the term identified.

In claim 4, the examiner asserts that the claim is indefinite for reciting the auxiliary verb “can,” and suggests the phrase “capable of.” Applicant notes that the examiner has withdrawn claim 4 from further consideration, rendering the present rejection moot. However, claim 4 has been amended to eliminate the verb “can.” Accordingly, withdrawal of the rejection is requested.

Rejection of claims 1-3 under 35 U.S.C. § 103(a)

Claims 1-3 presently stand rejected as being unpatentable over Ziarno (U.S. 2001/0001855). This rejection is respectfully traversed for the following reasons.

The examiner cites Ziarno as disclosing a method of and a system for conducting a fundraising over a computer network, such as the internet. While the examiner provides a

discussion of Ziarno's method and system, the examiner has failed to identify how any of Ziarno provides any teaching or suggestion of the present invention, beyond the broadest possible notion of fundraising.

Claim 1 of the present invention sets forth a method for raising funds comprising steps of: 1) providing an operational fixed or wireless telephone or similar telecommunication connection connecting an incoming call from an originator through the services of a selected data processing with a specific receiver; 2) wherein it has been agreed with the data processing entity that the price of the incoming call charged to the originator of the incoming call consists of a part representing the operational costs of the data processing entity and another part representing an action-specific amount to be forwarded by the data processing entity to the receiver of the incoming call.

It is respectfully submitted that Ziarno (along with the examiner's "Official Notice") fails to disclose or suggest each and every element set forth in claim 1 of the present application.

According to claim 1, an operational fixed or wireless telephone or similar telecommunication connection connecting an incoming call from an originator through the services of a selected data processing with a specific receiver is provided. Ziarno discloses the interconnection of plural computers through a computer network. Thus, a user of Ziarno's system is required to be connected by a computer, via a computer network, to a fund-raiser's computer. It must be noted that a part of Ziarno's method is the solicitation of donations, so that a potential donor must be so connected (by a computer, via a computer network, to a fund-raiser's computer) to even learn of a fund-raising request.

While Ziarno discloses the interconnection of plural computers through a computer network, Ziarno fails to disclose or suggest a fixed wireless telephone or similar telecommunication connection. The examiner recognizes this shortcoming of Ziarno, noting that "as per claims 1-3, Ziarno does not disclose a system, wherein a contributor or

donor uses a telephone set, instead of or in addition to a computer, to participate in the fund-raising activities by making donations in an interactive manner.”

The examiner takes Official Notice of the use of telephones in fund-raising activity, citing for example “a Public Broadcasting Station (PBS) such as a television station, [which] usually conducts an annual fund-raising by soliciting the making of monetary donations from its viewers, who use their telephones to respond by donating a specific monetary value set by the station or a value of their choosing.”

Such fund-raising drives, however, are often characterized as discussed in Ziarno, wherein “a contributor is requested to make a pledge, and then later to honor the pledge by payment of the amount pledged.” (*Ziarno*; [0002]). In other words, a caller often uses the telephone to make a pledge, whereafter the PBS (or other fund-raising organization) later sends a reminder of the pledge to the caller, and the caller subsequently submits (by check, cash, credit card, or the like) payment of the pledged amount.

Of course, credit card payments may be accepted over the telephone, according to a typical process wherein the caller gives a credit card number over the telephone to the call receiver (a live telephone operator and often a volunteer supporter of the PBS or other cause).

The discussion of such fund-raising activities by the examiner, however, fails to disclose or suggest any aspect of the claimed invention wherein a payment (donation) to a receiving party is caused simply by the making of the phone call, wherein the price of a phone call made by an originator is charged to the originator of the incoming call consisting of a part representing the operational costs of the data processing entity and another part representing an action-specific amount to be forwarded by the data processing entity to the receiver of the incoming call.

According to claim 1, a charge for an incoming call is generated to the originator of the incoming call (“price of the incoming call *charged to the originator* of the incoming call.”). The charge includes a part a part representing the operational costs of the data processing entity and another part representing an action-specific amount to be

forwarded by the data processing entity to the receiver of the incoming call. Further, the action-specific amount is forwarded by the data processing entity to the receiver of the incoming call.

The discussion of fund-raising activities such as those associated with public television or radio stations simply does not provide any teaching or suggestion of a data processing entity 1) generating *a charge* to a caller that *includes an operational cost and an action-specific amount* (donation or payment amount); and 2) forwarding the action-specific amount to the call receiver. To simply note, as the examiner has, that a telephone is used (in communicating between a donor and a telephone operator), fails to establish a teaching or suggestion that payments of the donation are performed in conjunction with charges relating to a telecommunication.

It is respectfully submitted that, for at least these reasons, Ziarno along with the examiner's "Official Notice" fail to disclose or suggest each and every element set forth in claim 1 of the present application. Accordingly, it is respectfully submitted that claim 1, and claims 2 and 3 which depend from claim 1, are allowable over the cited references, and withdrawal of the rejection is requested.

Withdrawal of claim 4

The examiner has indicated that claim 4 is now withdrawn from consideration, despite claim 4 having been identified by the Examiner as associated with Group I (drawn to a method for raising funds by using existing communication means [...]) in the restriction requirement mailed on August 20, 2004, and despite claim 4 having been included by the Applicant in the election claims of Group I made (with traverse) on January 11, 2006.

Applicant respectfully traverses the examiner's further restriction of the elected claims and withdrawal from consideration of claim 4.

Applicant notes that claim 4 was originally indicated, by the examiner, to be associated with the invention of Group I along with claim 1 and dependent claims 2-4.

In the recent Office Action, the examiner asserts that “claim 4 is being withdrawn from further consideration for presenting a subject matter that does not further limit independent claim 1, wherein the said subject matter is different from the one disclosed in claims 1-3.”

If the subject matter presented in claim 4 is different from that of claim 1, it simply does not follow that claim 4 does not further limit independent claim 1. Claim 4 sets forth elements not found in claim 1, and therefore inherently further limits claim 1.

The examiner also asserts that “claim 4 has nothing to do with the invention presented in claims 1-3.” However, Applicant notes that claim 4 recites a further method step whereby funds collected according to the method set forth in claim 1 may be distributed. According to claim 4, the identity of a donor (originator of an incoming call) may be stored in a memory from which one or more identities may be drawn as a winner of a lottery, wherein the lottery prize is all or a part of the funds transferred to the receiver less operating costs. Thus, there is clearly a relationship between claim 1, wherein funds are raised, and claim 4, wherein a part or all of the funds so collected are disbursed.

For at least these reasons, Applicant requests that claim 4 be maintained with claims 1-4 as elected for further consideration.

Moreover, Applicant respectfully submits that claim 4, which depends from claim 1, is allowable over the cited references for at least the reasons discussed above relating to the elements set forth in claim 1.

Conclusion

In view of the amendments to the claims, and in further view of the foregoing remarks, it is respectfully submitted that the application is in condition for allowance. Accordingly, it is requested that claims 1-4 be allowed and the application be passed to issue.

Application No.: 09/824,105

Examiner: J. Janvier


Art Unit: 9304

If any issues remain that may be resolved by a telephone or facsimile communication with the Applicant's attorney, the Examiner is invited to contact the undersigned at the numbers shown.

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Respectfully submitted,


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